

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ALBERT JAMES HADNOT</b>	:	: <b>CIVIL ACTION</b>
	:	
v.	:	: <b>NO. 23-4659</b>
	:	
<b>JOSEPH WELZ</b>	:	

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of February 2024, upon considering the incarcerated Plaintiff's Motions for Damages (ECF Nos. 32, 33, 45, 50) following the Clerk's entry of default (ECF No. 35) apparently relying upon the Plaintiff's Motion and Declaration (ECF No. 32, 33) which misrepresented the ill Defendant did not notice a defense when the record reflects several defenses, and for reasons in today's accompanying Memorandum, it is **ORDERED** we:

1. **VACATE** the Entry of Default (ECF No. 35) as based on misleading information of no defense given we are aware of several defenses presented outside of an Answer but otherwise placing the Plaintiff and Court on notice of a defense;
2. **DENY** Plaintiff's Motions for Damages (ECF Nos. 32, 33, 45, 50) as moot absent a default; and,
3. **DIRECT** Plaintiff shall, no later than **March 28, 2024**, file a memorandum not exceeding ten pages fulsomely responding to the Defendant's several defenses and defining his plan for discovery and trial on the contested issues of ownership and alleged unpaid royalties consistent with the statute of limitations.

  
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**KEARNEY, J.**